

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 1:12CR56

TINA BELCASTRO,

Defendant.

**UNITED STATES' MOTION PURSUANT TO  
TITLE 18, UNITED STATES CODE, SECTION 3553(e),  
TO AUTHORIZE A SENTENCE BELOW THE MANDATORY MINIMUM**

Now comes the United States of America and William J. Ihlenfeld, II, United States Attorney for the Northern District of West Virginia, by Zelda E. Wesley, Assistant United States Attorney, and moves this court to sentence defendant without application of the mandatory minimum sentence required under Title 21, United States Code, Section 860. In support of this motion, the United States asserts the following:

1. On May 10, 2012, defendant was charged by a Federal Grand Jury with violating various drug related offenses within 1000 feet of a protected location.
2. On July 6, 2012, pursuant to a written plea agreement, defendant pled guilty to Count Fifteen of the Indictment, charging her with aiding and abetting the distribution of Buprenorphine, within 1000 feet of a protected location. The statutory mandatory sentence, as a result of defendant's guilty plea, is not less than one year, but not more than twenty years of imprisonment.
3. The written plea agreement, at paragraph number Seven, provides that the United States will file a motion with this court to authorize a sentence below the statutory mandatory

minimum required under Title 21, United States Code, Section 860, if defendant timely executes the plea offer and truthfully debriefs with the United States in the investigation and prosecution of other defendants and investigations.

4. Title 18, United States Code, Section 3553(e) provides:

Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense.

5. Defendant has complied with paragraph Seven of her plea agreement and has provided substantial information regarding her knowledge of criminal activities.

WHEREFORE, the United States moves this court to sentence defendant without consideration of the mandatory minimum sentence otherwise required under Title 18, United States Code, Section 860.

Respectfully submitted,

WILLIAM J. IHLENFELD, II  
UNITED STATES ATTORNEY

By: /s/ Zelda E. Wesley  
Zelda E. Wesley (W.Va. Bar #6738)  
Assistant United States Attorney  
320 W. Pike Street, Ste. 300  
Clarksburg, WV 26301  
Ph: (304) 623-7030: Fax: (304) 623-7031

CERTIFICATE OF SERVICE

I, Zelda E. Wesley, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on October 10, 2012, I electronically filed the foregoing UNITED STATES' MOTION PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3553(e), TO AUTHORIZE A SENTENCE BELOW THE MANDATORY MINIMUM, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Charles Berry, Esquire

and I hereby certify that I have mailed, by United States Postal Service, the document to the following non-CM/ECF participants:

NONE.

/s/ Zelda E. Wesley  
Zelda E. Wesley  
Assistant United States Attorney